

# **Force Investigations Unit**

## **Procedural Manual**

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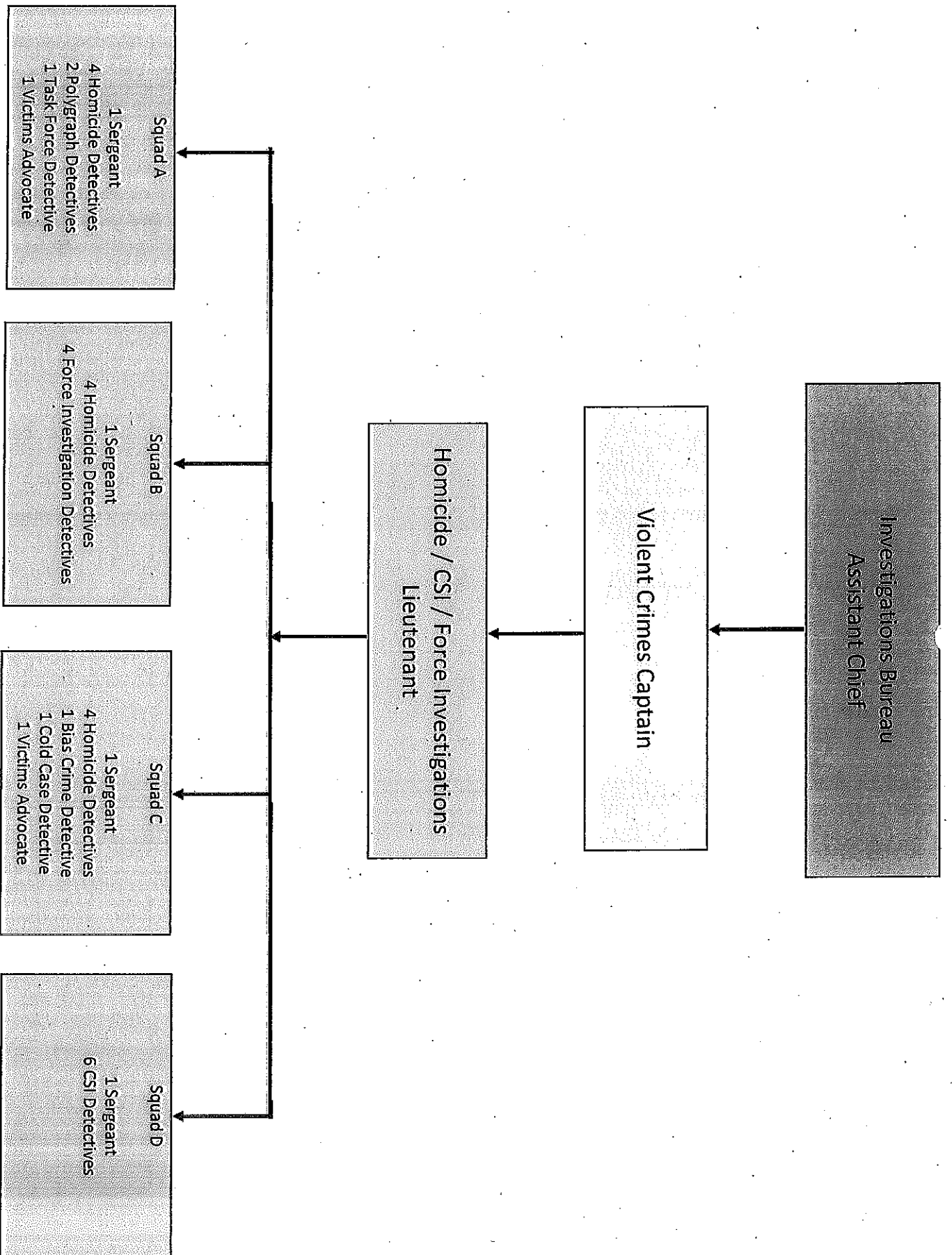
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# Seattle Police Department

## Homicide Unit

Force Investigations	Effective Date:
Operations- Terms and Definitions	

### I. Definitions:

- A. Involved Officer: An "Involved Officer" is a sworn officer of any rank or assignment who uses force as defined by Dept Policy, for a lawful purpose either on-duty or off-duty.
- B. Witness Officer: A "Witness Officer" is a sworn officer of any rank or assignment who witnesses an officer's use of force.
- C. Garrity Statement: When Garrity is administered, the subsequent compelled employee statement may only be used for Department administrative investigation purposes, not for criminal prosecution. Known by a variety of names, the Garrity Rule stems from a United States Supreme Court case (Garrity vs. New Jersey, 385 U.S. 493 (1967)).
- D. Public Safety Statement (PSS): A "Use of Force Public Safety Statement" is a compelled statement in which a supervisor (typically a Sergeant or Acting Sergeant) orders an "Involved Officer" to answer up to nine (9) standardized questions directly related to an "Involved Officer's" use of force. The questions appear on a pre-printed card known as a *Use of Force Public Safety Statement Card* (form xx.x) (pending).
- E. Use of Force Statement: A Use of Force statement is a compelled written statement. This statement will have a standardized heading that states "This is a true and involuntary statement given by me in compliance with Section 8.300 of the Seattle Police Department Manual." No other language is acceptable.
- F. Great Bodily Harm (RCW 9A.04.110): Bodily injury which creates a probability of death, or which causes significant serious permanent disfigurement, or which causes significant permanent loss or impairment of the function of any body part or organ.
- G. Substantial Bodily Harm (RCW 9A.04.110): Bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any body part or organ, or which causes a fracture of any body part.
- H. Type III Use of Force Investigation: A use of force investigation conducted by the Force Investigation Team based on the degree of injury or potential for injury to the suspect.
- I. Conduct Based Use of Force Investigation: A use of force investigation conducted by the Force Investigation Team based on a sworn supervisor or commander's belief that the force used may involve criminal conduct or serious misconduct by a sworn department employee.
- J. Type I Use of Force: Force that is not reasonably expected to cause injury and does not result in an actual injury or complaint of an injury, but causes transient pain and/or disorientation during its application as a way of gaining compliance. This includes pointing a firearm directly at a person.
- K. Type II Use of Force: Force that causes an injury, could reasonably be expected to cause an injury, or results in a complaint of an injury. This includes a 'hard' strike, takedown, or kick, a taser deployment of any type, use of an impact weapon to strike the subject, canine deployment with injury or complaint of injury, OC deployment at a subject, or placing the subject in the full restraint position.

- L. Type III Use of Force: Force that results in great bodily harm or substantial bodily harm as defined by RCW. This includes force that results in loss of consciousness or hospitalization of the subject. This definition specifically includes application of a neck hold (LVNR) or a hard strike to head or neck of the subject with any impact weapon, regardless of in my.
- M. In Custody Death Statement: An In Custody Death statement is a compelled statement detailing the involved officer's actions specific to an in custody or potential in custody death incident. These statements will be completed by Involved Officer(s) when there is an in custody death that is not associated with a reportable use of force incident. This statement will have a standardized heading that states "This is a true and involuntary statement given by me in compliance with Section x.xxx (pending) of the Seattle Police Department Manual." No other language is acceptable.
- N. Holding Cell Video (HCV): Refers to the stand alone camera recording system at each Department precinct that captures video footage of the individual holding cells, the holding cell common areas, the BAC areas, the Sally Port areas and the North Precinct's evidence storage room. The video footage is then normally transmitted to the HCV Dedicated Workstation where it may be viewed in real time.
- O. In Car Video OCV: Refers to the networked camera/audio recording system installed in selected department vehicles that captures video/audio footage when activated by the assigned officer. This video/audio footage is then normally transmitted to the Departments server at the end of the officer's shift.
- P. Conductive Energy Device(CED)/Conducted Electrical Weapon (CEW): Refers to an individually issued less lethal device, also commonly referred to as a Taser:

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# Seattle Police Department

## Homicide Unit

Force Investigations	Effective Date:
Operations- Type III Force Investigations	

### I. Type III Use of Force Investigations

For investigations based on degree of injury or potential for injury to the suspect, the Force Investigation response will include the Homicide Commander, the Force Investigations Sergeant, 1-3 Detectives and a representative of the Training Unit. The Training Unit representative will not have an investigative role, but will attempt to identify Department wide training issues.

#### A. These investigations will be based on the following criteria

1. Use of force incidents that cause either great bodily harm or substantial bodily harm, as defined in this manual (i.e.: broken bones, serious lacerations, treatment requiring hospitalization).
2. Use of force incidents where the subject loses consciousness as a result of the force used.
3. Use of force incidents where a LVNR neck hold is applied.
4. Use of force incidents where an impact weapon is used in a hard strike to the head or neck (less lethal munitions, flashlight, nightstick or other object).
5. Use of force referrals approved for investigation by the Homicide Commander.

#### B. Force Investigations Detective responsibilities:

1. The Force Investigations Detective will request audio recorded interviews with all civilian witnesses.
2. The Force Investigations Detective will arrange for a canvass for any privately owned video that may have captured the incident and will obtain a copy. The results of the video canvass will be specifically documented in the investigative case file.
3. The Force Investigations Detectives will determine if there is an immediate need for any ICV (In Car Video) / HCV (Holding cell video) download.
4. Force Investigations personnel will respond to the arrestee's location and request a medical release, as well as an audio recorded interview. They will also attempt to photograph any areas where an injury is visible or complained of. Photos of the arrestee's features should be taken for identification purposes.
5. Force Investigation personnel will conduct interviews with witness officers as required for the investigation.
6. The Force Investigations Detective will participate in an initial in person interview with officers who used force resulting in Type III injuries prior to them going off shift, unless exigent circumstances require an extension (injury, etc). These officers will have the option of reviewing any available video prior to this interview. They also may elect to have a bargaining unit or legal representative present at this interview.
7. The assigned Force Investigation's Detective will complete the investigation within the next 30 calendar days, unless the homicide commander approves an extension.

## C. Force Investigations Sergeant responsibilities

1. The Force Investigations Sergeant will take control of the scene upon their arrival.
2. The Force Investigations Sergeant will arrange for photographing and processing of the scene, either by Force Investigations detectives or CSI detectives.
3. The Force Investigations Sergeant will insure witness officers are separated and arrange for them to submit a witness officer's statement prior to the end of their shift. These officers will have the option of reviewing any available video prior to submittal of their statements.
4. The Force Investigation Sergeant will insure that involved officers who used Type I force, or force resulting in Type II injuries are separated and arrange for them to submit a written use of force statement prior to the end of their shift. These officers will have the option of reviewing any available video prior to submittal of their statements.
5. The Force Investigations Sergeant will insure that officers who used force resulting in Type III injuries are separated, and will participate in their initial in person interview prior to them going off shift, unless exigent circumstances (injury, etc) requires an extension.
6. The Force Investigations Sergeant will arrange for involved officers who used force resulting in Type III injuries to submit a written use of force statement to the case detectives as soon as practical. This will normally occur within 3 business days, unless exigent circumstances (injury etc) require an extension. These officers will have the option of reviewing any available video prior to submittal of their statements.
7. The Force Investigations Sergeant will ensure that all involved officers receive a "Use of Force Post Incident Checklist" prior to going off shift.
8. The Force Investigations Sergeant will review the completed investigation, and will document the review using the standardize "Case Review Coversheet".

## D. Homicide Commander responsibilities

1. The Homicide Commander will respond to the Homicide Office and arrange for any immediate ICV (In Car Video) download.
2. The Homicide Commander will coordinate with the responding patrol sergeant to ensure that all officers who responded to the incident download their ICV by the end of their shift.
3. The Homicide Commander will arrange for any identified HCV download as required to further the investigation.
4. The Homicide Commander will provide "Garrity" warnings to all officers who used force resulting in Type III injuries prior to any in person interview.
5. The Homicide Commander will ensure a "Major Incident Summary" is completed on the use of force, and routed to the Involved Officer's chain of command, The Department Command staff, and the Homicide Unit chain of command within 12hrs of the event.
6. The Homicide Commander will confirm the CISM/Peer Support coordinator has been notified and is arranging for a CISM response and/or referral for any involved officer or witness officer as appropriate.
7. The Homicide Commander will review the use of force investigation, and will make findings as to whether the use of force was lawful and consistent with policy.
8. The Homicide Commander will be responsible for presenting the completed investigation to the Department Force Review Board.

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E. Training Unit Responsibilities

1. The Training Unit representative will not have an investigative role during the Use of Force investigation, but will attempt to identify any training issues.
2. The Training Unit representative will collect and submit to the homicide commander any training records or other documentation required for the investigation.

F. Investigations Bureau Commander responsibilities

1. The Investigation Bureau Commander will review the investigation and ensure that it is complete and thorough, and that any findings are supported by a preponderance of the evidence.

G. Involved Officer Chain of Command responsibilities

1. The Involved officer's chain of command will review the investigation and ensure that it is complete and thorough, and that the findings are supported by a preponderance of the evidence.

**II. Post-Incident Procedures**

A. Post-Incident Screening

1. Involved or Witness Officers may choose to voluntarily select a MHP from the approved list and contact them for a post incident appointment at their discretion.
  - a. The Department will provide for up to the first six (6) visits over a one-year period of time beginning on the date of the incident.
  - b. The Officer will be allowed to bring a spouse, domestic partner, family member, etc. with them at no extra charge to any or all of the covered visits.

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# Seattle Police Department

## Homicide Unit

Force Investigations	Effective Date:
Operations- Type III (Conduct Based) Investigations	

### I. Conduct Based Use of Force Investigations

For investigations based on potential criminal conduct or serious misconduct by a SPD officer during a use of force incident, the Force Investigation response will include the Homicide Commander, the Force Investigation Sergeant and a representative of the Training Unit. The Training Unit representative will not have an investigative role, but will attempt to identify Department wide training issues.

#### A. These investigations will be based on the following criteria

1. Use of force incidents where there is evidence that the force used involves potential criminal conduct or serious misconduct on the part of an officer.

#### B. Force Investigations Sergeant responsibilities

1. The Force Investigations Sergeant will take control of the scene upon their arrival.
2. The Force Investigations Sergeant will attempt to identify all known civilian witnesses.
3. The Force Investigations Sergeant will canvass for any privately owned video that may have captured the contact and will identify the location for follow up. The results of the video canvass will be documented.
4. The Force Investigations Sergeant will arrange for photographing and processing of the scene.
5. The Force Investigations Sergeant will respond to the arrestee's location and request a medical release. They will also attempt to photograph any areas where an injury is visible or complained of. Photos of the arrestee's features should be taken for identification purposes.

#### C. Homicide Commander responsibilities

1. The Homicide Commander will identify all department personnel who responded to or were present during the incident. No officers will be compelled to complete a statement.
2. The Homicide Commander will coordinate with the responding patrol sergeant to ensure that all officers who responded to the incident download their ICV by the end of their shift.
3. The Homicide Commander will insure that any applicable HCV is preserved.
4. The Homicide Commander will insure a "Major Incident Summary" is completed on the use of force, and routed to the Involved Officer's chain of command, the Department Command staff, and the Homicide Unit chain of command within 12 hrs of the event.
5. The Homicide Commander will confirm the CISM/Peer Support coordinator has been notified and is arranging for a CISM response and/or referral for any involved officer or witness officer as appropriate.

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6. The Homicide Commander will coordinate a meeting with representatives of OPA, which will normally occur the next business day unless exigent circumstances exist.
  - (a) This meeting will be to facilitate transfer of the misconduct portion of the investigation to OPA: Force Investigations will retain the use of force administrative investigation.
  - (b) Should OPA determine a criminal investigation is warranted the investigation will be routed back to the Homicide Commander, who will assign it to an uninvolved Homicide Sergeant for investigation.
  - (c) The criminal investigation will take precedence over any administrative investigation.
  - (d) Any Use of Force Board presentation will be delayed until a charging decision is made in the criminal case.

D. Training Unit Responsibilities

1. The Training Unit representative will not have an investigative role during the Conduct Based Use of Force investigation, but will attend the meeting with OPA to address any training questions.

**II. Post-Incident Procedures**

A. Post-Incident Screening

1. Involved or Witness Officers may choose to voluntarily select a MHP from the approved list and contact them for a post incident appointment at their discretion.
  - a. The Department will provide for up to the first six (6) visits over a one-year period of time beginning on the date of the incident.
  - b. The Officer will be allowed to bring a spouse, domestic partner family member, etc. with them at no extra charge to any or all of the covered visits.

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# Seattle Police Department

## Homicide Unit

Force Investigations	Effective Date:
Operations-In Custody Death Investigations	

### I. In Custody Death Investigations

For investigations involving the death or potential death of a subject in the custody of the Seattle Police Dept. the Force Investigation response will include the Homicide Commander, the Force Investigation Sergeant, and 1-3 Detectives. These investigations will not include any incident where physical force was used on the subject prior to the death. those incidents will be investigated consistent with the Type III Use of Force Investigations protocols.

#### A. These investigations will be based on the following criteria

1. Death or potential death of any person physically in custody of the Seattle Police Dept, or at a Seattle Police Dept facility.

#### B. Force Investigations Detective responsibilities:

1. The Force Investigations Detective will request audio recorded interviews of all civilian witnesses.
2. The Force Investigations Detective will arrange for a canvass for any privately owned video that may have captured the contact and will obtain a copy. The results of the video canvass will be specifically documented in the investigative case file.
3. The Force Investigations Detective will determine if there is an immediate need for any ICV (In Car Video)/ HCV (Holding cell video) download.
4. Force Investigation personnel will conduct interviews with witness officers as required for the investigation.
5. The Force Investigations Detective will participate in an initial in person interview with officers who had physical custody of the subject prior to them going off shift. These officers will have the option of reviewing any available video prior to this interview. They also may elect to have a bargaining unit or legal representative present at this interview.
6. If appropriate, Force Investigations personnel will respond to the subject's location and request a medical release, as well as an audio recorded interview.
7. If required, the Force Investigation Detective will function as the primary liaison with the Medical Examiner's office.

#### C. Force Investigations Sergeant responsibilities

1. The Force Investigations Sergeant will take control of the scene upon their arrival.
2. The Force Investigations Sergeant will arrange for photographing and processing of the scene, either by Force Investigations detectives or CSI detectives.
3. The Force Investigation Sergeant will insure witness officers are separated and arrange for them to submit a written officer's statement prior to the end of their shift. These officers will have the option of reviewing any available video prior to submittal of their statements.

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4. The Force Investigations Sergeant will insure that involved officers who had physical custody of the subject are separated and will participate in an initial in person interview prior to them going off shift.
5. The Force Investigation Sergeant will arrange for involved officers who had physical custody of the subject to submit a written In Custody Death statement to the case detectives as soon as practical. This will normally occur within 3 days, unless exigent circumstances (in my etc) require an extension. These officers will have the option of reviewing any available video prior to submittal of their statements.
6. The Force Investigations Sergeant will ensure that all involved officers receive an "In Custody Death Post Incident Checklist".
7. The Force Investigations Sergeant will review the completed investigation, and will document the review using the standardized "Case Review Coversheet".

**D. Homicide Commander responsibilities**

1. The Homicide Commander will respond to the Homicide Office and arrange for any immediate ICV (In Car Video) downloads.
2. The Homicide Commander will coordinate with the responding patrol sergeant to ensure that all officers who responded to the incident download their ICV at the end of their shift.
3. The Homicide Commander will arrange for any identified HCV (Holding Cell Video) downloads as required to further the investigation.
4. The Homicide Commander will provide "Garrity" warnings to officers who had physical custody of the subject prior to any in person interview.
5. The Homicide Commander will ensure a "Major Incident Summary" is completed on the in custody death, and routed to the Involved Officer's chain of command, The Department Command staff, and the Homicide Unit chain of command within 12 hrs of the event.
6. The Homicide Commander will confirm the CISM/Peer Support coordinator has been notified and is arranging for a CISM response and/or referral for any involved officer or witness officer as appropriate.

## **II. Post-Incident Procedures**

**A. Post-Incident Screening**

1. Involved or Witness Officers may choose to voluntarily select a MHP from the approved list and contact them for a post incident appointment at their discretion.
  - a. The Department will provide for up to the first six(6) visits over a one-year period of time beginning on the date of the incident.
  - b. The Officer will be allowed to bring a spouse, domestic partner, family member, etc. with them at no extra charge to any or all of the covered visits.

## **III. Delayed In Custody Death Investigations**

The Seattle Police Department Force Investigations unit will be responsible for the investigation into inmate deaths that occur at a King County Department of Adult or Juvenile Detention Facilities located in the City of Seattle, consistent with our MOU. The Force Investigation response to these incidents will be tailored to the specific circumstances present.

A. These investigations will be based on the following criteria

1. All deaths that occur while the subject is in the custody at a King County Department of Adult or Juvenile Detention facility located in the City of Seattle.

B. Force Investigations Detective responsibilities

1. If circumstances dictate, Force Investigations Detectives **will** request an audio recorded interview of civilian witnesses.
2. **If** circumstances dictate, Force Investigations Detectives **will** arrange for a download of any applicable KCJ owned video and **will** obtain a copy.
3. The Force Investigation Detective **will** function as the primary liaison with the Medical Examiner's office.

C. Force Investigation Sergeant responsibilities

1. **If** circumstances dictate a response, the Force Investigations Sergeant will take control of the scene upon their arrival
2. **If** appropriate, the Force Investigations Sergeant **will** arrange for photographing and processing of the scene, either by Force Investigations detectives or CSI detectives.
3. The Force Investigations Sergeant will require that the primary responding SPD officer prepares a General Offense report.

D. Homicide Commander responsibilities

1. The Homicide Commander will insure a "Major Incident Summary" is completed and routed to the Homicide unit chain of command.
2. The Homicide Commander will be responsible for notifying the CISM/Peer Support coordinator and arranging for a CISM response and/or referral for any involved officer or witness officer if appropriate.

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# Seattle Police Department

## Homicide Unit

Force Investigations	Effective Date: draft
Operations- Serious Assaults against Officers Investigations	

### I. Serious Assaults against Officers Investigations

For investigations involving intentional assaults with serious injury to a police officer, the Force Investigation response will include the Homicide Commander, a Force Investigations Sergeant, and 1-3 Detectives.

#### A. These investigations will be based on the following criteria

1. Assaults against officers where the officer sustains either great bodily harm or substantial bodily harm as a result of the assault (broken bones, serious lacerations, treatment requiring hospitalization).
2. Assaults against officers where the officer loses consciousness as a result of the assault.
3. Assaults against officers approved for investigation by the Homicide Commander.

#### B. Force Investigations Detective responsibilities:

1. The Force Investigations Detectives will request audio recorded interviews with civilian witnesses.
2. Force Investigations Detectives will arrange for a canvass for any privately owned video that may have captured the contact and will obtain a copy. The results of the video canvass will be specifically documented in the investigative case file.
3. Force Investigations Detectives will determine if there is an immediate need for an ICV(In Car Video) / HCV (Holding cell video) download.
4. Force Investigations Detectives will respond to the arrestee's location and request an audio-recorded **interview**.
4. Force Investigation Detectives will obtain medical releases from the injured officer as required for the investigation.
5. The Force Investigations detective will be responsible for insuring all required booking paperwork is completed for any in custody suspect.
6. If the suspect is not in custody, Force Investigation detectives will ensure that an officer safety bulletin with suspect information is prepared and distributed.

#### C. Force Investigations Sergeant responsibilities

1. The Force Investigations Sergeant will take control of the scene upon their arrival.
2. The Force Investigations Sergeant will arrange for photographing and processing of the scene, either by Force Investigations Detectives or CSI detectives.
3. The Force Investigations Sergeant will arrange for officers to submit a written statement prior to the end of their shift, unless exigent circumstances (injury etc) require an extension.

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4. The Force Investigations Sergeant will review the completed investigation, and will document the review using the standardize "Case Review Coversheet".

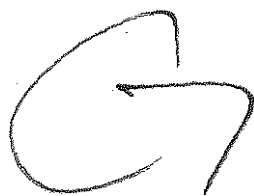
D. Homicide Cofn111ander responsibilities

1. The Homicide Cofn111ander will respond to the Homicide Office and arrange for any immediate ICV (In Car Video) download.
2. The Homicide CoJ:n111ander will coordinate with the responding patrol sergeant to ensure that all officers who responded to the incident download their IeV by the end of their shift.
3. The Homicide Commander will arrange for any identified HCV download as required to further the investigation.
4. The Homicide Commander will confirm the CISM/Peer Support coordinator has been notified and is arranging for a CISM or Hospital Team response and/or referral for any officer as appropriate.
5. The Homicide Commander will insure a "Major Incident **Summary**" is completed on the officer assault and routed to the Involved Officer's chain of command, the Department Command Staff, and the Homicide Unit chain of cofn111and within 12 hrs of the event.

## **II. Post-Incident Procedures**

A. Post-Incident Screening

1. Injured or Witness Officers may choose to voluntarily select a MHP from the approved list and contact them for a post incident appointment at their discretion.
  - a. The Department will provide for up to the first six (6) visits over a one-year period of time beginning on the date of the incident.
  - b. The Officer will be allowed to bring a spouse, domestic partner, family member, etc. with them at no extra charge to any or all of the covered visits.



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# Seattle Police Department

## Homicide Unit

Force Investigations	Effective Date:  / /
Operations-Scene and Evidence processing	

### I. Scene **and** Evidence processing

Force Investigations personnel will be trained and equipped for scene processing, to include photography and basic scene diagramming. Complex or larger scale scenes requiring a higher level of processing and analysis may be forwarded to the Crime Scene Investigations unit for a response.

#### A. Force Investigations personnel will insure that all incident scenes are processed using the following techniques

1. Evidence placarding-Items of evidentiary value will be marked with numbered evidence placards prior to the overall scene photos being taken.
2. Digital photography-The scene will be photographed using a digital camera, with all resulting images input into the Digital Evidence Management System (DEMS).
3. Scene diagramming-Force investigations personnel will be responsible for a basic scene diagram that shows the location of significant items of evidence, as well as the basic details of the **scene**.

#### B. Evidence processing

1. Video evidence-all video evidence will be transferred onto a CD/DVD with a copy attached to the investigative file. This includes all applicable ICV/HCV as well as any privately owned video.
2. Taser downloads-If information supports that a *CEDICEW* was used or displayed during a force incident, a *CEDICEW* data download will be conducted, with the data analysis attached to the case file.
3. Injury related information-Medical releases and resulting documentation of injuries will be requested from all injured parties and attached to the case file.

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# Seattle Police Department

## Homicide Unit

Force Investigations	Effective Date:
Operations- Bifurcating an Investigation	

### I. Bifurcating an Investigation

Whenever there is information that supports that an officer may have committed a crime or serious misconduct during a use of force incident, the investigation will be bifurcated into separate investigations. For criminal investigations, the Force Investigation / Homicide unit will utilize a "clean team" and **"exposed team" bifurcation process.**

#### A. Criminal Liability-If at any time during a force investigation information is obtained that indicates an officer may have committed a crime during a use of force incident, the following steps will be taken.

1. The Homicide Commander will coordinate a meeting with representatives of the OPA, which will occur as soon as practical.
2. This meeting will be to transfer responsibility for the criminal investigation to the OPA. The Force Investigation unit will retain responsibility for any administrative force investigation.
3. Should the OPA determine that a criminal investigation is appropriate, they will refer the investigation to the appropriate unit, per current OPA practice.
4. **If** the criminal investigation involves allegations of excessive force/assault, the criminal investigation will be referred back to the Homicide Commander, who will assign it to an uninvolved (Clean Team) homicide sergeant for investigation.
5. A Department "Case Master" will be appointed by the Investigations Bureau Commander, to screen all information contained in the administrative investigation to date, and insure that no information that could compromise the investigation is made available to the Homicide sergeant conducting the criminal investigation. A list of approved case masters will be maintained by the homicide commander.
6. Once an officer is the subject of a criminal investigation, they will not be compelled to provide a statement prior to the conclusion of the criminal investigation.
7. The criminal investigation will have priority access to all witnesses and evidence.
8. A representative of the King County Prosecutor's office/City Attorney's office will be consulted as appropriate during the criminal investigation.

#### B. Misconduct- If at any time during investigation information is obtained that an officer may have committed serious misconduct during a use of force incident, the following steps will be taken.

1. The Homicide Commander will coordinate a meeting with representatives of the OPA, which will occur as soon as practical.
2. This meeting will be to transfer responsibility for the misconduct investigation to the OPA. The Force Investigation unit will retain responsibility for any administrative force investigation.

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# Seattle Police Department

## Homicide Unit

Force Investigations	Effective Date:
Operations-Investigation Review and Presentation	

### I. Investigation Review and Presentation

Type III Force investigations will be subject to multiple levels of review both inside and outside the unit. The completed investigation will be presented to the Departments Force Review Board using a standardized PowerPoint format.

#### A. Case Investigation review

1. The Force Investigation Sergeant will perform a detailed review of the completed investigation using the case review coversheet, which will be completed and attached to the investigation packet. The investigation will then be forwarded to the Homicide Commander.
2. The Homicide Commander will review the completed investigation and case review coversheet, and will make findings as to whether the use of force was lawful and consistent with policy. The investigation will then be forwarded to the Investigations Bureau Commander.
3. The Investigation Bureau Commander will review the investigation to ensure it is complete and thorough and that any findings are supported by a preponderance of the evidence, with this determination normally being made within 3 business days. The Bureau Commander retains the authority to order additional investigation. If viewed as complete, the investigation will be forwarded to the involved officer(s) chain of command for review.
4. The involved officer's chain of command will review the investigation and ensure it is complete and thorough, and that any findings are supported by a preponderance of the evidence. The investigation will then be returned to the Homicide Unit Commander.
5. The Homicide Commander will determine if there is a need for further investigation based on the input from the involved officer's chain of command. If there is a consensus that the investigation is complete the Homicide Commander will prepare the case investigations presentation.

#### B. Case Investigation Presentations

1. All Type III Force Investigation presentations will be the responsibility of the Homicide Unit commander.
2. The Homicide Unit commander will prepare a standardized PowerPoint presentation covering the facts and circumstances surrounding the use of force incident. This PowerPoint will then be presented to the Force Review Board.

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# Seattle Police Department

## Homicide Unit

<b>Force Investigations</b>	<b>Effective Date:</b>
<b>Administration- Personnel Selection and Training</b>	

### **I. Selection and Training of Force Investigations personnel**

When an opening is anticipated within Force Investigations, new personnel will be selected through a competitive process. Force Investigations personnel will be experienced investigators who are trained to ensure that all use of force investigations are conducted with the highest degree of professionalism, and that any use of force contrary to law or policy is identified and resolved appropriately.

#### **A. Selection process**

1. The Homicide Commander will be responsible for advertising any anticipated openings consistent with Manual Section 2.020 IV (B) Sworn Openings.
2. The Homicide Commander will insure that each applicant submits information as required to assess their suitability for the position. That information may include the following
  - a. Samples of their case investigative work
  - b. Their current and previous supervisors
  - c. A resume
3. After the closing date for submittal of applications, The Homicide Commander and Sergeants will be responsible for reviewing each applicant's resume and information packet prior to the commencement of the candidate oral interviews. This may be done as a group or individually.
4. Submittal of an application does not guarantee any applicant that they will progress to the oral interview. All applicants will be notified of their status within 10 calendar days of the closing date.
5. The Homicide Commander will develop a list of standardized interview questions that are position related, but do not require specialized knowledge.
6. The "Homicide Commander and Sergeants will be responsible for taking part in the candidate oral interview process, and the Sergeants will be responsible for providing the Homicide commander with a assessment of each candidate at the conclusion of the interview process.
7. The Homicide Commander will prepare a memo with the top three candidates ranked in order of preference, which will be routed to the Investigation Bureau Commander via the Chain of Command.

#### **B. Mandatory Training-All Force Investigations personnel will attend the following training**

1. Seattle Police sponsored (Homicide) 8 hr basic Officer Involved Shooting Course
2. Seattle Police sponsored (CSI) 4 hr basic Scene and Evidence processing course
3. Yearly Street Skills Integrated Combat and Control training offered to patrol officers

- C. Elective Training-All Force investigation personnel are encouraged to attend training that covers the following topics.
1. Defensive tactics-force options
  3. Crisis Intervention training
  4. Investigative skills training
  5. Bio-mechanics of force incidents
  6. Cognitive Interviewing techniques
  7. Advanced Photography
  8. Advanced Crime Scene processing

K



# Seattle Police Department

## Homicide Unit

Force Investigations	Effective Date:
Administration-Case Assignments	

### I. Case Assignments for Force Investigations personnel

Force Investigations personnel will have primary investigative responsibility for callout investigations they respond to during their week long standby assignments. They will also be assigned file or follow up investigations as determined by the administrative homicide sergeant.

#### A. Standby / Callout case assignment-Force Investigations detectives may respond on a standby / callout basis to the following types of investigations.

1. Type III Force Investigations, based on injury or potential injury
2. In Custody Death investigations
3. Serious Assaults against Officer investigations

#### B. Administrative case assignments-Force Investigations personnel may be administratively assigned the following types of investigations.

1. Homicide unit file cases
2. Homicide unit follow up cases
3. Delayed in custody deaths (King County Jail)
4. Force investigation that is associated with a Type III conduct based investigation
5. Criminal investigation against a suspect associated with a Type III Force Investigation.



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Force Investigations	Effective Date:
Administration-Shift Rotation and Standby Schedule	

I. Shift Rotation and Standby Schedule

To maximize on duty response time, Force Investigations personnel will staff a day and evening shift on a rotating basis 2 months per quarter, consistent with shifts currently worked by Homicides unit detectives. A Force Investigations detective will be assigned to off duty standby for response to those incidents that occur during off hours.

- A. Shift Rotation-Each pair of detectives will work 2 months of day shift (@0800-1700), and 1 month of evening shift (@1500-2400) per quarter, beginning in March 2013. Each detective team will alternate shifts so there will normally be on duty coverage from 0800-2400 2 months per quarter. An example schedule is as follows

Team 1-	March 2013 Day Shift	April 2013 Evening Shift	May 2013 Day Shift	June 2013 Day Shift
Team 2c	Match 2013 Evening Shift	April 2013 Day Shift	May 2013 Day Shift	June 2013 Evening Shift

- B. A Force Investigations detective will be assigned to standby responsibility from response to incidents that occur during non shift hours.

1. Standby responsibility will rotate on a weekly basis, starting at 2345 hrs each Tuesday, and rotating to the next detective at 2345 hrs the following Tuesday.
2. Weekday standby hours are 2345 hrs to 0745 hrs
3. Weekend standby hours begin at 2345 hrs Friday, and end at 0745 hrs Monday



G.O. #: \_\_\_\_\_

Date: \_\_\_\_\_

Seattle Police Department  
Use of Force Public Safety- Statement

Directions to on-scene supervisor:

This is a compelled statement. The supervisor (at minimum, a Sgt. or permanent A/Sgt.) compelling this statement will not deviate from its content.

The supervisor will write down on this card the answers provided verbatim, disseminate public safety information immediately via radio as appropriate, and provide this card to the first arriving Force Investigations supervisor or commander.

The police supervisor receiving this information is required to submit a written statement to the Force Investigations detective. The statement is to include that the Public Safety Statement was formally given to the involved officer, the content of the answers given by the involved officer, and that the supervisor did not deviate from the specified questions.

"Officer \_\_\_\_\_, I am directing you to give me a public safety statement. Due to the immediate need to take action, you are ordered to answer the following questions listed below. If you refuse to answer these questions relating to the performance of your official duties, you will be subject to Department charges, which could result in your dismissal from the Department."

Requesting Supervisor's Name \_\_\_\_\_

Ser# \_\_\_\_\_

Time \_\_\_\_\_

"At this time and to the best of your knowledge, please answer the following":

1. If you know of a one who is injured, what is their location? \_\_\_\_\_

\_\_\_\_\_

2. If you know of any outstanding suspects, what is their description and direction of travel? \_\_\_\_\_

\_\_\_\_\_

3. Do you know of any other risks to the safety of the public or to other officers? \_\_\_\_\_

4. During this incident, did you use Type I force on the subject, as defined below? \_\_\_\_\_

Force that is not reasonably expected to cause injury, does not result in an actual injury or complaint of an injury, but causes transient pain and/or disorientation during its application as a way of gaining compliance. This includes pointing a firearm directly at the suspect

5. During this incident, did you use Type II force on the subject, as defined below? \_\_\_\_\_

Force that causes an injury, could reasonably be expected to cause an injury, or results in a complaint of an injury. This includes a 'hard' strike, takedown, or kick, a laser deployment of any type, use of an impact weapon to strike the subject, canine deployment with injury or complaint of injury, OC deployment at a subject, or placing the subject in the full restraint position

6. During this incident, did you use Type III force on the subject, as defined below? \_\_\_\_\_

Force that results in great bodily harm or substantial bodily harm as defined by RCW. This includes force that results in broken bones, loss of consciousness, or hospitalization of the subject. This definition specifically includes application of a neck holds (LVNR) or a hard strike to head or neck of the subject with any impact weapon.

7.. Does any evidence need protection? \_\_\_\_\_

8. Any known witnesses? \_\_\_\_\_

Sa. If yes, where are they located? \_\_\_\_\_

"Officer \_\_\_\_\_, in order to prevent the contamination of your statement, I order you not to discuss this incident with anyone, including your supervisors or staff officers, prior to the arrival of the assigned investigators, with the exception of your legal representation."

Form=: Rev./

h)



## ***Force Investigation in-person questionnaire for the involved officer(s)***

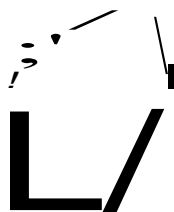
**This is only a guide for the Case Detectives to use to assist in the complete collection of the necessary information. It is for your use only; do not provide a copy of this to the Officer.**

- ☐ CISM contact
- ☐ Guild and / or Attorney present
- ☐ Garrity read and provided **by** \_\_\_\_\_
- ☐ Police Officers Bill of Rights provided
- ☐ Confirm that relevant in-car video or *available* other video viewing has been offered.
- ☐ Re-advise of what is about to occur
  - ☐ General incident questions.
  - ☐ Photos. If officer is uncomfortable in uniform (heavy coat, wet, sweaty or dirty), consider doing photos first.
- ☐ Involved Officer Background:
  - ☐ Date of hire \_\_\_\_\_
  - ☐ Previous LIE experience \_\_\_\_\_
  - ☐ Previous military experience \_\_\_\_\_
- ☐ Involved Officer training
  - ☐ Current year Street Skills \_\_\_\_\_
  - ☐ Crisis Intervention training \_\_\_\_\_
- ☐ Equipment:

<input type="radio"/> Flashlight	Yes No.
<input type="radio"/> Used	Yes No
<input type="radio"/> Taser issued	Yes No
<input type="radio"/> Taser used (drive stun)	Yes No
<input type="radio"/> Taser used (fired)	Yes No
<input type="radio"/> Pepper Spray issued	Yes No
<input type="radio"/> Used?	Yes No







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# *Involved Officer Use of Force Checklist and Reference Guide*



This document is to be completed at the time of the in person interview with the involved officer. Upon its completion, prior to the Officer leaving the building, a copy is to be provided to the Officer.

## **D Investigating Detectives and Supervisors:**

The assigned Detectives are

Force Investigations Detective \_\_\_\_\_ Phone \_\_\_\_\_

Force Investigations Sergeant \_\_\_\_\_ Phone \_\_\_\_\_

Homicide Unit Commander \_\_\_\_\_ Phone \_\_\_\_\_

Do not hesitate to contact the Detectives, Sergeant or Unit Commander any time with any questions.

## **D Guild Representative & Attorney:**

Your Guild representative is \_\_\_\_\_ who can be reached at \_\_\_\_\_

Your attorney is \_\_\_\_\_, who can be reached at \_\_\_\_\_

Representation by this attorney is at no expense to you.

## **O CISM Contact:**

Your CISM contact person is \_\_\_\_\_, who can be reached at \_\_\_\_\_

All of your communications with your CISM team member are confidential and are not subject to any disclosure. In some cases you may instead be given a CISM referral, If this CISM contact does not occur with 48 hrs notify the Homicide Unit Commander. See top of page 1 for name and contact information

## **O POBOR & Garrity:**

You should have received a copy of the Police Officers Bill of Rights, and the Garrity advisement. If you have not, you will be provided with a copy of both now.

## **☐ Video:**

You are entitled to view relevant available patrol car video and private sector video prior to making a statement, excluding the Public Safety Statement.

## **D statements:**

You may be compelled to make 3 or more statements:

- Public Safety Statement (normally at the scene)
  - In person compelled interview (normally at the Homicide office)
  - Written "Use Of Force" statement. Your written Use of Force Statement is due by\_\_\_\_\_
- Your legal and Guild representatives may assist you with this.

You may also be asked to participate in a scene walk through. You are entitled to Guild and legal representation at all of these except the Public Safety Statement.

## **D Instructions for Written Statements:**

You should complete these statements with the assistance of your guild or legal Representative. The written statements are required by the date listed above. You may be asked to write 2 statements:

- 1) Felony Statement: This statement will encompass your involvement with the entire incident, establishing any elements of criminal activity committed by the suspect. It will not include any details of the use of force other than what is necessary to articulate the elements of a crime. This should be done in Versadex.
- 2) Use of Force Statement: This is to be done only on a WORD document and not in Versadex/SPIDER. It will start with the standard Use of Force Statement header which is; "This is a true and involuntary statement given by me in compliance with Section 6.240 of the Seattle Police Department Manual."

## **D Photos:**

You will be photographed by detectives in the exact uniform or clothing you were wearing at the time of the incident. These photographs are used only to document your appearance at the time of the incident.

## **D Post Incident Screening:**

You have the voluntary option of visiting a Mental Health Professional at Department expense. The provider will only be reporting back to SPD that you have met with them, and if you are coming back for additional visits. This process is considered a personal medical interaction and SPD will not receive any records or other information pertaining to this visit. This process is at no cost to you, and you are permitted 6 visits over a one year period. You may bring a spouse or family member at no additional expense.

To arrange your MHP visit, select one of the providers from the curriculum vitae's (biographies) supplied to you in this book. This visit should be at a mutually agreeable date and time. Should you experience any difficulties in scheduling a visit in a reasonable amount of time, or any other issue with this

requirement contact the Homicide Unit Commander. See top of page 1 for name and contact information

#### **D Administrative Leave:**

You may be assigned to Administrative Leave at the discretion of your Chain of Command. If you are assigned to administrative leave, you will report to your chain of command for instructions and advised when your status changes. You are prohibited from working off duty during this time. You are **NOT** prohibited from going to your Precinct or office, attending roll calls, meeting with your coworkers; or going to the Precinct gym.

Should you experience any issues with this requirement contact the Homicide Unit Commander. Name & contact information on page 1.

#### **D Gag Order:**

If you were specifically advised that the order to not discuss the incident has been lifted, be mindful of whom you can discuss it with, that is immune from subpoena/testimony in a criminal investigation. This includes your CISM representative, your Attorney, your Mental Health Professional, and your spouse. All others can be subpoenaed and may be required to repeat whatever you may have said.

#### **D Media Attention:**

The Department may immediately release non-specific information about you and the incident to include your age, gender, rank, time on the Dept and where you are assigned. Your name will not be released for approximately 24 hrs. Be aware that we have had instances where this information has been disclosed to the media by unauthorized sources prior to the 24 hr period. You should expect that the media may show up at your private residence. They do not have any right to be on your personal property without your permission. *Giving* an interview or commenting to the media is not authorized, if you do have contact with them you should call the Media Relations unit at 684-5520 and let them know: If you feel you are being unlawfully harassed by the media, please report this to the Homicide Unit Commander. You should let family members know that you may be featured in a news story, and we strongly discourage you or family members from reading the media blogs. If you have a social website, (Facebook; My Space, Twitter, etc) you may want consider deactivating it temporarily, especially if you are easily identified there and have posted photos of yourself. You should not post anything regarding your use of force incident. If you have questions or concerns about media related issues contact the Force Investigations Sergeant or Homicide Unit Commander. See page 1 for their names/contact information.

Additional procedures that will follow:

**D Chiefs Brief:**

Generally, the homicide commander will be briefing your Chain of Command, the Chief of Police and his staff on the incident and the investigation to-date. You will not be involved with this. The Chief of Police may use the information shared in this briefing to prepare for a press conference.

**D Coroner's Inquest:**

This court proceeding will occur after all Use of Force incidents with a fatality. The purpose of an Inquest is to publicly air the incident, and facilitate transparency and public accountability. This proceeding will not result in criminal charging decisions, but is viewed as advisory to the King County Prosecutor, who will make a criminal charging decision after the inquest. Typically they occur within 4-6 months of the incident. You will be subpoenaed to testify, along with any citizen witnesses, officer witnesses, case detectives, CSI detectives and others that participated in the investigation. You will be represented by an attorney during this proceeding.

**D Criminal Case Proceeding:**

If this incident resulted in a criminal case being filed against any suspects, you will be required to participate as you normally would in any other prosecution.

P

Seattle Police Department

Criminal Investigations Bureau

1.GI\*J)

\_,\_VIAJOR INVESTIGATION SUMMARY

UNIT: Force Investigations Squad

GO:

SUBJECT:

UNIT FILE#:

LOCATION:

DATE/TIME:

INVOLVED  
OFFICER(S)

CSIRESPONDED  
(Y/N):

SUSPECT (S):  
(Race, sex, & age)

ARREST (Y/N):

Case Sergeant:

Scene Commander:

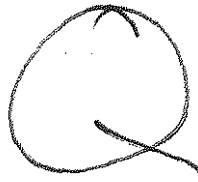
.DISTRIBUTION:

Chief of Police

Involved officers Chain of Command

Investigations Bureau Commander







## Force Investigation Involved Officer Statement Template

Your statement must have a standard heading that states "This is a true and involuntary statement given by me in compliance with Section 8.300 of the Seattle Police Department Manual".

Please provide a detailed narrative answer to each of the questions asked. The listed bullet points are not specific to your incident, and may or may not apply.

### 1. What was the reason for the initial police contact

- If dispatched
  - What were the details on the call
    - Type of crime /was a weapon involved
  - Have you dealt with this suspect before
    - What was the result of those contacts
  - Is there anything significant about the location or time of day
- If on view
  - What brought your attention to the suspect and what did you see
    - Was there a witness who provided any information
  - What type of contact was it
    - Social contact, terry stop, custodial arrest
  - Have you dealt with the suspect before
    - What was the result of those contacts
  - Is there anything significant about the location or time of day
- Describe the scene when you arrived
  - inside or outside, lighting conditions
  - Who do you remember being there
  - What were they doing or saying
  - What was the suspect doing or saying

### 2. Detailed description of the incident to include the words, actions and threat posed by the suspect

- How did the suspect react to your presence
  - Tone of voice /statements made
    - Body posture /movement
  - Any attempt to flee, fight, or resist arrest (turtle)

- Did the suspect have access to anything that could be used as a weapon
- Did the suspect voice a threat towards you or anyone else present
- How did the suspects size compare to yours

### **3. Detailed description of the force used by you during the incident**

- What specific techniques did you use
  - Control, grappling or strikes
    - Document and explain all strikes you remember
  - Taser
    - Were you able to give a verbal warning
    - Distance between you and the suspect
    - Document and explain each application you remember
  - DC Spray
    - Were you able to give a verbal warning
    - Document and explain each application you remember
    - Did the suspect request or receive decontamination (water)
  - Impact Weapons
    - Document and explain all strikes you remember
- Where did you learn these techniques
  - Academy training, department training or outside training
- What did you tell the suspect to do during the force
  - How did the suspect respond to your direction
- Were you able to reduce or stop using force
  - When and why could you do this

### **4. Detailed description of the force used by other officers, if you clearly observed it**

- Describe what you personally saw or heard

### **5. Detailed description of any visible injury, complaint of injury or lack of injury and if any medical assistance was needed or provided**

- Were there visible injuries to the suspect before force was used
- Were there visible injuries to the suspect after being taken into custody
- Did the suspect complain of injury after being taken into custody
- Was the suspect given medical treatment of any kind
  - Who provided it, (SFD medics, AMR)
  - Did the suspect go to the hospital or did they leave them in your custody

**6. Is there any other information you believe is pertinent to the investigation**

- What specific tactics did you use
- Staging nearby to develop a response plan
- Communication during the response
- Cover /Contact
- Request specialized resources (CIT, Taser etc.)
- Contingency planning

R



## Force Investigation Witness Officer Statement Template

Please provide a detailed narrative answer to each of the questions asked. The listed bullet points are not specific to your incident, and may or may not apply.

### 1. What was the reason for the initial police contact

- If dispatched
  - What were the details on the call
    - What type of crime/ was a weapon involved
  - Have you dealt with this suspect before
    - What was the result of those contacts
  - Is there anything significant about the location or time of day
- If on view
  - What brought your attention to the suspect and what did you see
    - Was there a witness who provided any information
  - What type of contact was it
    - Social contact, terry stop, custodial arrest
  - Have you dealt with the suspect before
    - What was the result of those other contacts
  - Is there anything significant about the location or time of day
- Describe the scene when you arrived
  - inside or outside, lighting conditions
  - Who do you remember being there
  - What were they doing or saying
  - What was the suspect doing or saying

### 2. Detailed description of the incident to include the words, actions and threat posed by the suspect

- How did the suspect react to your presence
  - Tone of voice / statements made
    - Body posture / movement
  - Attempted to flee, fight, or resist arrest (turtle)
- Did the suspect have access to anything that could be used as a weapon
- Did the suspect voice a threat towards you or anyone else present
- How did the suspects size compare to yours

**3. Detailed description of the force used by other officers, if you clearly observed it**

- Describe what you personally saw or heard

**4. Detailed description of any visible injury, complaint of injury or lack of injury and if any medical assistance was needed or provided**

- Were there visible injuries to the suspect before force was used
- Were there visible injuries to the suspect after being taken into custody
- Did the suspect complain of injury after being taken into custody
- Was the suspect given medical treatment of any kind
  - Who provided it, (SFD medics, AMR)
  - Did the suspect go to the hospital or did they leave them in your custody

**5. Is there any other information you believe is pertinent to the investigation**

- What specific tactics did you use
- Staging nearby to develop a response plan
- Communication during the response
- Cover / Contact
- Request specialized resources (CIT, Taser etc.)
- Contingency planning

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# SEATTLE POLICE DEPARTMENT

## FORCE INVESTIGATION CASE FILE



OFFICER(S) \_\_\_\_\_ DATE: \_\_\_\_\_ UNIT \_\_\_\_\_

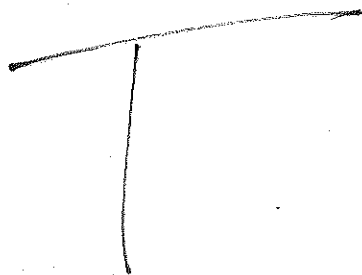
LOCATION OF OCCURRENCE \_\_\_\_\_

CASE DETECTIVES \_\_\_\_\_ CASE# \_\_\_\_\_

SUPERVISOR REVIEW \_\_\_\_\_ COMMANDER REVIEW \_\_\_\_\_

### TABLE OF CONTENTS

SUBJECT	SECTION	SUBJECT	SECTION
Major Incident Summary	A	Vehicle Information	O
General Offense n. _____	B	Search Warrants, Returns	P
CAD _____	C	Communication	Q
Follow up, Su _____	D	Media	
s, "Information	E	Other Emails	
Criminal _____ medical info		Related Police n. _____	R
_____		_____ Other.	
s, "Statements	F		
Involved Offi .:i(SJ Information	G	In Car Video	S
,f:lfotos, Training In person		u. ____ Cell Video	T
Involved Officer Statements	H	Pr'. ....' Obtained Video	U
Witness Officer Statements	I		
TraininQ Unit Assessment	J	),f  Mise Documents	V
Civilian Witness Information	K	ll%zl	
ID Pies, Mise			
Civilian Witness Statements	L		
Evidence & Lab n _____	M		
. Taser			
Scene Photos and Ula r cu,	N	l, .Wj Mise Data Discs (List)	W
Contact 'h _____ crime scene log		lll	



# Force Investigations

## Supervisor case review checklist



### Documents

Major Incident Summary	Yes	No	_____
General Offense Report	Yes	No	_____
CAD History	Yes	No	_____
Detective Supplemental	Yes	No	_____

### Subject

Subject interviewed	Yes	No	_____
Audio taped	Yes	No	_____
Photographed	Yes	No	_____
Medical Release	Yes	No	_____
Criminal History search	Yes	No	_____

### Involved Officers (Traffic and In Custody Death)

Public safety statement(s)	Yes	No	_____
In person questionnaire(s)	Yes	No	_____
Written statement(s)	Yes	No	_____
Photos taken	Yes	No	_____

### Involved Officers (Traffic and III)

Public safety statement(s)	Yes	No	_____
Written statement(s)	Yes	No	_____

### Witness Officers

Written statement(s)	Yes	No	_____
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### Civilian Witnesses

Witnesses interviewed	Yes	No	_____
Audio taped	Yes	No	_____

**Training**

Involved officer Training Records	Yes	No	_____
Training assessment	Yes	No	_____

**Scene and Evidence**

Scene Photos completed	Yes	No	_____
Scene Diagram completed	Yes	No	_____
Evidence submitted	Yes	No	_____
Evidence form attached	Yes	No	_____
Taser Involved	Yes	No	_____
Download attached	Yes	No	_____
Private video canvass	Yes	No	_____
Video located	Yes	No	_____
Archived / attached	Yes	No	_____
Documented in case notes	Yes	No	_____
In Car Video reviewed	Yes	No	_____
Archived / attached	Yes	No	_____
Holding Cell video reviewed	Yes	No	_____
Archived / attached	Yes	No	_____

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## SETTLEMENT AGREEMENT

Recital: To avoid the expenditure of time, resources and cost of litigation, the City of Seattle and the Seattle Police Department ("the City"), the Seattle Police Officers' Guild ("the Guild"), wish to fully and finally resolve all claims and allegations made in PERC Case No. 23922-U-11-6110, wherein the Guild alleged that the City had committed unfair labor practices. PERC Case No. 23922-U-11-6110 will hereafter be referred to as "the ULP Complaint."

Agreement: The City and the Guild agree as follows:

- A. Neither party concedes its position regarding the ULP Complaint.
- B. This agreement is a full and complete settlement of all claims raised in the ULP Complaint.
- C. This agreement shall not set a precedent, will not be admitted in any proceeding for any reason except to enforce its terms, and the parameters established in this agreement for addressing misconduct do not extend to misconduct investigations not triggered by ICY review.
- D. Upon execution of this Agreement by both parties, the Guild will withdraw the ULP Complaint filed in this matter and will provide confirmation of this withdrawal to PERC and the City.
- E. Officers may review their "own" digital in-car video/audio recording system ("ICY") videos in order to refresh recollection, determine the need for video retention and similar reasons.
- F. In addition to the review authorized in E, above, Department review of ICY videos will only be conducted for the reasons set forth below:
  1. Complaint;
  2. Criminal investigation;
  3. Officer involved accident, including Collision Review Board investigations;
  4. Vehicle Pursuit investigation or review;
  5. Firearms Review Board;
  6. Public Disclose Requests;
  7. Use of force review or investigation;
  8. Performance appraisal;
  9. As part of an early intervention system for a specific officer; and
  10. Training purposes, upon receipt of permission of the involved officer.
- G. A log detailing who accessed ICY, the purpose of the access, and the time/date of the access will be maintained. SPOG will be granted access to the video log. The parties understand that video logging systems may be updated by the external vendor or

replaced entirely with a new video system and the specific mechanics of creating and accessing the log may evolve over time.

- H. In the context of TCV review, only serious acts of misconduct shall be investigated by OPA. Minor misconduct will be handled either through mediation or the named officer's chain of command for appropriate follow-up. In the context of the review, examples of minor acts of misconduct would include, but not be limited to, uniform violations, rudeness, and profanity. Profanity such as that disparage a protected class under city, state, or federal law would not be considered minor misconduct.
- I. If, during the course of viewing ICV, minor acts of misconduct unrelated to the original reason for viewing the video are discovered, it will not result in discipline or a sustained finding. However, such acts may result in a training referral or career counseling and may be included in an employee's performance evaluation.

Seattle POLICE DEPARTMENT


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Title: C\J-10"" CJ.Z- S\+ 'l" F

Date: to 12-31.....\_

SEATTLE POLICE OFFICERS GUILD

  
Rich O'Neill

SPOG President

DATE: 10/23/12





immunities secured or protected by the Constitution and laws of the United States. The Agreements do not constitute an admission that any individual complaint reviewed by DOJ was meritorious or improperly addressed by SPD.

## **II. DEFINITIONS**

19. "Case Master" means an experienced command-level officer appointed by the Investigations Chief consultation with the Homicide Commander. When a case is bifurcated due to possible criminal liability on behalf of an officer, the Case Master is responsible for ensuring the Clean Team is not exposed to any information obtained or derived from a compelled statement. The Case Master also controls what information may be shared between the Clean Team and the Exposed Team and how that information is exchanged.

20. "CED" means Conductive Energy Device, also referred to as ECD (electronic control device) and TASER.

21. "Chief" means the Chief of Police of SPD.

22. "CIC" means Crisis Intervention Committee, as described in the MOU.

23. "CI Team" stands for Crisis Intervention Team.

24. "CI training" stand for Crisis Intervention training, which is training on how to respond to persons in behavioral or mental health crisis, including persons under the influence of drugs or alcohol. Officers who receive such training are "CI trained."

25. "City" means the City of Seattle, including its agents, officers, and employees in their official capacity.

26. "Clean Team" means an investigative team that has not been privy to any information derived from a compelled statement.

1           27.     "Commission" means the Community Police Commission as described above in  
2 Section I.B.

3           28.     "Court" means the United States District Court Judge for the Western District of  
4 Washington presiding over this case.

5           29.     "De Minimus Force" means physical interaction's, for a lawful purpose, between  
6 an officer and a member of the public meant to separate, guide and/or control without resort to  
7 control techniques that are intended to or are reasonably likely to cause pain. Examples include  
8 using hands or equipment to stop, push back, separate, or escort and the use of compliance holds  
9 without the use of sufficient force to cause pain.

10          30.     "Discriminatory policing" and/or "biased policing" means selective enforcement  
11 or non-enforcement of the law, including the selecting or rejecting of particular policing tactics  
12 or strategies, based on membership in a demographic category specified in this Agreement.

13 Discriminatory policing does not include using race, ethnicity, or any other status in any reliable  
14 suspect(s) description.

15          31.     "DOJ" means the United States Department of Justice's Civil Rights Division,, the  
16 United States Attorney's Office ("USAO"), and its agents and employees in their official  
17 capacity.

18          32.     "Effective Date" means the day this Agreement is entered by the Court.

19          33.     "EIS" means the Early Intervention System.

20          34.     "Exposed Team" means an investigative team that has been exposed to  
21 information that was derived from an officer's compelled statements. To protect the ability of  
22 the case to be criminally charged, the Exposed Team can only be responsible for the  
23 administrative investigation.

1           35.     "Firearm" means any instrument capable of discharging a bullet or shot as defined  
2 in SPD Manual 8.030.

3           36.     "Firearm. Discharge" means each discharge of a firearm by a SPD officer as  
4 defined by SPD Manual 8.060. This term includes discharges at persons where no one is struck.

5           37.     "Firearms Review Board" or "FRB" means the Board that is described in  
6 SPD Manual 11.030.

7           38.     "FIT" is the "Force Investigation Team," the SPD unit tasked with conducting the  
8 investigations of all uses of force by a SPD officer that result in death, Great Bodily Harm, or  
9 Substantial Bodily Harm, and other rises of force specified in this Agreement.

10          39.     "Full Restraint Position" means placing a person with hands secured behind the  
11 back, legs secured together, and the legs and hands connected together behind the back of the  
12 subject with the subject's legs flexed at the knees.

13          40.     "Great Bodily Harm" means harm as defined in RCW 9A.04.110 as bodily injury  
14 which creates a probability of death, or which causes significant serious permanent  
15 disfigurement, or which causes a significant permanent loss or impairment of the function of any  
16 body part or organ.

17          41.     "Impact weapons" means any authorized intermediate weapons or objects used to  
18 strike, including, but not limited to batons as defined in SPD Manual 9.050.

19          42.     "Implement" or "implementation" means the development or putting into place of  
20 a policy or procedure, followed by appropriate training of all impacted personnel, and ensuring  
21 that the policies and procedures are being carried out in practice.

22          43.     "Injury" means bodily harm beyond temporary transient pain or redness.  
23

1           44.     "LEED" is the "Listen and Explain with Equity and Dignity" training, which  
2 focuses on respect, listening skills, and the use of verbal tactics as an alternative to the use of  
3 force.

4           45.     "Less Lethal Device" means a device that is not expected or intended to cause  
5 death or Great Bodily Harm.

6           46.     "Less Lethal Force" means a level of force such that the outcome is not expected  
7 or intended to cause death or Great Bodily Harm.

8           47.     "Lethal Force" means the application of force through the use of firearms or any  
9 other means reasonably likely to cause death or Great Bodily Harm.

10          48.     "Misconduct" means conduct by an officer or other SPD employee that, if proven  
11 by a preponderance of evidence, would be a violation of law, SPD policy, procedure, Rules, or  
12 regulations. Misconduct excludes minor misconduct as defined in SPD Manual 11.001.IV.A or  
13 violations unrelated to the substantive terms of this Agreement.

14          49.     The "Monitor" means a person who will be selected by DOJ and the City to  
15 monitor and report on implementation of this Agreement.

16          50.     "OPA" means SPD's Office of Professional Accountability.

17          51.     "Personnel" means SPD officers and employees.

18          52.     "Police Officer" or "Officer" means any law enforcement agent employed by  
19 SPD, including supervisors.

20          53.     "Policies and Procedures" means regulations or directives, regardless of the name,  
21 describing the duties, functions, and obligations of SPD officers and/or employees, and  
22 providing specific direction in how to fulfill those duties, functions, or obligations.  
23

54. "Precinct" means one of the five police service areas of SPD, which together cover the entire geographic area of the City of Seattle and each of which is led through the chain-of-command by a precinct commander.

55. "PSS" is the Professional Standards Section, the SPD subdivision that, among other functions, is charged with researching, drafting, and revising policy.

56. "Reasonable Force" means force that complies with the Fourth Amendment's requirement of objective reasonableness under *Graham v. Connor*.

57. "SPD" or "Department" means the Seattle Police Department and its agents, officers, supervisors, and employees (both sworn and unsworn) in their official capacity.

58. "Shall" or "will" means that the provision imposes a mandatory duty; "should" does not indicate a mandatory duty.

59. "SPD Manual" refers to SPD's Policy and Procedure Manual.

60. "SPD Unit" or "Unit" means any designated organization of officers within SPD, including precincts and specialized units.

61. "Substantial Bodily Harm" means harm as defined in RCW 9A.04.110 as bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily part or organ, or which causes a fracture of any body part.

62. "Supervisor" means a sworn SPD employee at the rank of sergeant or above (or anyone acting in those capacities) and non-sworn personnel with oversight responsibility for other officers.

63. "Training" means any adult-learning methods that may incorporate role-playing scenarios and interactive exercises that instruct officers about how to exercise their discretion, as

well as traditional lecture format. Training also includes testing, writings, or other measures that indicates that the officer comprehends the material taught.

64. "Type I use of force" means the use of low-level physical force that is greater than De Minimums Force, is not reasonably expected to cause injury and does not result in an actual injury or complaint of an injury, but causes transient pain and/or disorientation during its application as a means of gaining compliance. Examples of this type of force include disorientation techniques (e.g., open or empty hand strike), weaponless pain compliance techniques while using sufficient force to cause pain (e.g., wrist lock), and "soft" take-downs (e.g., controlled placement of a subject, including on the ground or floor) not included in a Type II use of force. Pointing a firearm at a person is reportable as a Type I use of force. Unbolstering or displaying a firearm without intentionally pointing it at a person, or simply displaying any weapon, is not a reportable use of force.

65. "Type II use of force" means a use of force which causes an injury, could reasonably be expected to cause an injury, or results in a complaint of an injury, but does not rise to the level of a Type III use of force. Examples of this type of force include: a "hard" strike, take-down, or kick; CED deployment of any type against a subject; use of an impact weapon (including batons and flashlights) to strike a subject; deployment of canine that results in an injury or complaint of injury; deployment of Oleoresin Capsicum Spray (OC Spray) at a subject; and placing a subject in a full restraint position.

66. "Type III use of force" means all uses of force by a SPD officer that have the likelihood of significant injuries to a subject including: (I) any use of "Lethal Force;" and (2) any use of force that results in or could reasonably be expected to result in "Great Bodily Harm" or "Substantial Bodily Harm."

1           67.     "Use of force" means any physical coercion used by an officer in performance of  
2 official duties including De Minimus, Type I, II, and III uses of force.

3           68.     "Use of Force Committee" or "UFC" is the SPD panel that assists in reviewing  
4 Type II and III use of force reports, including FIT investigations. SPD may designate this panel  
5 with an alternative name.

### 6                                   **III.           COMMITMENTS**

#### 7           **A.       USE OF FORCE**

##### 8               **1.       Use of Force Principles**

9           69.     Officers' actions should increase public safety, be effective and constitutional,  
10 and embrace principles of procedural justice. In order to achieve this balance in the application  
11 of force, the Department commits (a) to maintaining a police force that is highly trained and  
12 knowledgeable, not only on matters of law and professional standards on use of force, but also  
13 on matters of reporting, investigating, and reviewing uses of force; and (b) to engaging with and  
14 educating the public on the appropriate use of force.

15           70.     Although the City and SPD dispute the patterns or practice of excessive force  
16 alleged in DOJ's Report, the Parties nevertheless agree that SPD uses of force, regardless of the  
17 type of force or weapon used, and consistent with *Graham v. Connor*, should be guided by the  
18 following principles.

- 19                   a)     Officers should use de-escalation techniques, when appropriate and  
20                           feasible, in order to reduce the need for force.
- 21                   b)     As a general principle, consistent with law enforcement objectives,  
22                           officers should de-escalate the use of force as resistance decreases, while  
23                           staying in control and as safety permits.

- 1 c) The number of officers on scene may increase the available force options  
2 and may increase the ability to reduce the overall force used.
- 3 d) Officers should use improvised weapons, such as flashlights, only in  
4 compliance with a proper policy and training on impact weapons;
- 5 e) Officers should be trained that a hard strike to the head with any impact  
6 weapon, including a baton, could result in death, and any strikes to the  
7 head should be consistent with policy and training.
- 8 f) Officers normally should not use reputable force against handcuffed or  
9 otherwise restrained subjects unless necessary or reasonable under the  
10 circumstances to stop an assault, escape, or as necessary to fulfill other  
11 legitimate law enforcement objectives.
- 12 g) Officers should not use force against individuals who only verbally  
13 confront them and do not impede a legitimate law enforcement function.
- 14 h) As soon as practicable following a reportable use of force, SPD should  
15 ensure that the incident is accurately and properly reported, documented,  
16 and investigated.

17 71. SPD will revise, as necessary, its use of force policies, procedures, and/or training  
18 consistent with the principles above..

19 72. A fundamental goal of the revised use of force policy will be to account for, and  
20 review or investigate, every reputable use of force and, where necessary, to reduce any improper  
21 uses of force while serving to direct resources to the most serious uses of force.



1           73.     Consistent with current practice, when SPD conducts its review of the  
2 implementation of the revised use of force policies, it will seek the timely input of the relevant  
3 members of the Training Section, line officers, supervisors, and PSS.

4           2.     **Weapon-Specific Policies**

5           74.     Revisions to SPD's weapons-specific policies, procedures, and training will be  
6 guided by the principles contained in this section.

7           75.     These of force policies will address the use and deployment of all authorized  
8 force weapons that are available to SPD officers. The specific policies for each force weapon  
9 will provide guidance for each weapon's use.

10          76.     The weapon-specific policies will continue to include training and certification  
11 requirements that each officer must meet before being permitted to carry and use the authorized  
12 weapon. Officers will only carry weapons authorized by the Department. SPD will consult with  
13 the Monitor as to whether and when each uniformed officer should be required to carry at least  
14 one Less Lethal Device.

15          77.     SPD will implement policies for each of the following weapons using these  
16 guidelines.

17                 **a. Firearms**

18          78.     Officer Discharges of Firearms will continue to be tracked as critical firearms  
19 discharges in EIS as uses of force. SPD will continue to document critical firearms discharges in  
20 SPD's annual use of force report.

1                   **b.       Conductive Energy Devices (ECD, CED, or TASER)**

2           79.     The CED policy will continue to contain the training and tactics guidance  
3 regarding Less-Lethal Options and SPD's Annual CED Recertification Course, and other  
4 sources, and will continue to incorporate the following guidelines:

- 5                   a)     A verbal warning should be given before use unless it is unsafe to do so or  
6                             if it compromises a legitimate law enforcement objective.
- 7                   b)     As with the initial CED application, each subsequent application is a  
8                             separate application of force that must be individually justified as  
9                             reasonable.
- 10                  c)     All CED use's will be trained in: 1) the potential risks of prolonged or  
11                             repeated applications; 2) the appropriate procedures following a CED  
12                             application; 3) the required documentation of a CED application in a use  
13                             of force report; and 4) the appropriate use of the CED in drive stun mode.
- 14                  d)     All CED users will also be trained in the considerations of the additional  
15                             environmental hazards such as flammable materials or falling hazards that  
16                             may preclude the use of a CED.
- 17                  e)     All CED users will also be trained on the consideration of unit  
18                             characteristics of the subject such as age, frailty, pregnancy and other  
19                             medical conditions.
- 20                  f)     CED users will not intentionally target the subject's head, neck, or genital  
21                             area unless to protect officer or public safety, or to accomplish a legitimate  
22                             law enforcement objective.
- 23

1           80.     Officers will continue to receive annual CED certifications consisting of physical  
2 competency, weapon retention, SPD policy, including any policy changes, technology changes,  
3 and scenario-based training.

4           81.     SPD will continue to implement integrity safeguards on the use of CEDs to ensure  
5 compliance with SPD policy, including conducting random and directed audits of CED  
6 deployment data. The audits will compare the downloaded data to an officer's reports on use of  
7 force. Discrepancies within the audit will be addressed and appropriately investigated.

8           82.     When a supervisor or FIT conduct investigations of CED use in Type II or  
9 Type III investigations, the investigator will assure that the use of force report thoroughly  
10 describes each CED application and that the CED data is downloaded and that data analysis is  
11 included in the use of force report.

12          83.     SPD will continue to track CED applications as uses of force in EIS and continue  
13 to include CED data and analysis in its use of force annual report.

14                   c.     **Oleoresin Capsicum Spray ("OC Spray")**

15          84.     The OC Spray policy and training will incorporate the evolving guidance  
16 contained within the SPD Post-Basic Law Enforcement Academy ("BLEA") course on Less-  
17 Lethal Force as well as guidance from the medical community. The policy and training will  
18 include at least the following guidelines:

- 19                   a)     Officers will use OC spray only when such force is reasonable; including  
20                               when used for crowd dispersal or protection.
- 21                   b)     Unless it presents a danger to the officer or others, or compromises a  
22                               legitimate law enforcement objective, officers should use a verbal warning  
23                               to the subject or crowd that OC spray will be used and defer using

1 OC spray a reasonable amount of time to allow the subject to comply with  
2 the warning.

3 c) After the initial application of OC spray, each subsequent spray must also  
4 be reasonable and the officer should reevaluate the situation accordingly.

5 d) The application of OC Spray on persons in restraints such as handcuffs  
6 must be consistent with a legitimate law enforcement objective, or to  
7 protect officer or public safety.

8 85. Officers will continue to be trained in and follow protocols developed by SPD on  
9 their responsibilities following OC Spray use, including minimizing exposure of non-targeted  
10 individuals and decontamination of exposed subjects. Officers will continue to request medical  
11 response or assistance for subjects exposed to chemical spray when they complain of continued  
12 effects after having been decontaminated, or they indicate that they have a pre-existing medical  
13 condition (e.g., asthma, emphysema, bronchitis, heart ailment, etc.) that may be aggravated by  
14 chemical spray.

15 86. Officers will use only agency-issued or approved OC Spray.

16 87. SPD will continue to maintain written documentation of the number of OC Spray  
17 canisters annually distributed to, and utilized by, each officer. Analysis of OC deployments will  
18 continue to be included in SPD's use of force annual report and tracked in EIS as a use of force.

19 **d. Impact Weapons**

20 88. SPD will incorporate in its use of force policies specific provisions concerning the  
21 use of impact weapons and guidelines for use. Officers will be trained and certified for  
22 department-approved impact weapons before being authorized to carry these weapons. Officers  
23 will also be recertified at reasonable intervals. Use of any improvised impact weapons will fall

under the same guidelines and officers will be required to articulate how the use of the weapon was objectively reasonable. Consistent with current policy, impact weapon use will be limited to situations in which such force is reasonable and consistent with training, for example, when it is necessary to protect the officer, the subject, or another party from immediate physical harm.

89. When a supervisor or FIT conduct investigations of impact weapon use in Type II or Type III investigations, the investigator will assure that the use of force report thoroughly describes each impact weapon strike that the officer recalls. Consistent with current training policy and practice, impact weapons should not be used on persons who are handcuffed and under control or otherwise restrained persons under control, or persons complying with police direction.

90. Analysis of data regarding the use of impact weapons will continue to be included in SPD's use of force annual report and tracked in EIS as a use of force.

### 3. Use of Force Reporting and Investigation

91. Uses of force will be divided into three types for reporting, investigative, and review purposes. The goal is to focus police resources on the most serious cases, while also requiring that all reportable uses of force cases are reported and not under-classified.

92. The three levels for the reporting, investigation, and review of use of force correspond to the amount of force used and/or the outcome of the force. This Agreement's categorization of these types of uses of force is based on the following factors: degree of injury caused; potential of the technique or weapon to cause injury; degree of pain experienced; degree of disability experienced by the subject; complaint by subject; degree of restraint of the subject; impairment of the functioning of any organ; duration of force; and physical vulnerability of the subject.

93. The three types of force will have different levels of departmental reporting and review that become more rigorous depending on the type of the force used. Each level will have four essential components:

- a) Initial Reporting: reporting and documentation requirements that, consistent with this Agreement, include the immediate response to the incident.
- b) Investigation and Supervisory Assessment: investigation or assessment requirements that detail how the investigation or assessment is conducted and who is responsible for the investigation and assessment as to the use of force.
- c) Review: for Type II and III uses of force, a review process requiring critical examination of the incident to assess its appropriateness, as well as identify any shortcomings in policy, procedure, training, tactical performance, and supervisory action. The review process will also consider how information gathered on the incident could be used to increase the effectiveness of the officer and the Department as a whole.
- d) Record Keeping and Follow-up: the facts regarding the incident will be stored, reported, and analyzed, and any deficiencies or concerns addressed.

94. Officers will notify their supervisor as soon as practicable following any use of Type I, II, or III use of force.

95. Consistent with other policies, a supervisor can always opt to require a higher level of response to a given incident. Factors to consider in determining whether a higher level

1 response is appropriate include, but are not limited to, the following: the nature of the resistance  
2 encountered; force used against a handcuffed or otherwise restrained, under control, or in-  
3 custody subject; force used against pregnant or vulnerable subjects (e.g. age or infirmity);  
4 incidents resulting from faulty information or unintentional error; and when it is unclear whether  
5 the officer acted consistent with policy or law.

6 96. When multiple officers are involved in a use of force incident, the entire incident  
7 will be reported and investigated at the highest level reached by any single officer during the  
8 incident. All involved officers will be required to submit statements in accordance with that  
9 level's requirements. For example, if four officers are restraining a subject's limbs and only use  
10 Type I force, and a fifth officer uses a CED, each officer must submit a statement as required  
11 under at least the Type II protocol.

12 97. Each supervisor reviewing the incident is responsible for ensuring a full and  
13 accurate account of the incident, and identifying and resolving any inconsistencies or  
14 alternatively, bringing them to the attention of OPA or his/her supervisor.

15 98. Whenever a supervisor uses, directs, or is otherwise personally involved in any  
16 type of force, the investigation will be conducted by a supervisor uninvolved in the use of force  
17 unless impractical.

18 99. SPD will continue to analyze the force data captured in officers' force reports and  
19 supervisors' investigative reports on an annual basis to determine significant trends, to identify  
20 and correct deficiencies revealed by the analysis, and to document its findings in an annual  
21 public report.

1                   a.     **Type I Reporting and Investigation Requirements**

2             100.   Officers will document a Type I use of force in a searchable and retrievable  
3     format that contains the following information: 1) an account of the officer's actions in using  
4     force; 2) the suspect's actions that led to the application of force; 3) the identity of the officer  
5     who used force; 4) the names of other officers or identified witnesses present; and 5) the name of  
6     the supervisor screening the incident. The officer's immediate supervisor will review the  
7     documentation as soon as practicable and direct the officer to supply more information, if  
8     needed.

9             101.   A Type I use of force report must be provided orally and screened in person by a  
10    supervisor, unless impractical under the circumstances, prior to the subject being booked,  
11    released, or the contact concluded. If the subject is free to leave, the detention will not be  
12    extended to facilitate the screening process; however, the subject may choose to remain at the  
13    scene to speak with a supervisor. If there is any uncertainty or concern about the reason or  
14    nature of the force used, or the existence of any injury, the supervisor will immediately roll out  
15    to the scene, unless impractical in the circumstances.

16            102.   The supervisor will determine if the use of force is appropriately classified as a  
17    Type I incident. If the supervisor is unable to make that determination, the supervisor will  
18    consult with FIT or his/her direct supervisor to assist in the determination. The supervisor will  
19    also evaluate the incident for any other concerns (tactical, threat assessment, etc.). The  
20    supervisor will address any concerns with the officer involved. If it appears that misconduct may  
21    have been involved in the use of force, the supervisor will ensure that OPA is contacted and  
22    consult the FIT team regarding reclassification of the incident as Type II or III.



b. Type II and III Reporting Requirements

103. For Type II and Type III uses of force, all involved officers will complete an officer statement using descriptive language. The statement will include: 1) the reason for the initial police presence; 2) a detailed description of the incident circumstances, including the words, actions, and/or threat posed by the suspect warranting the need for force; 3) a detailed description of the force used by the officer giving the statement; 4) a detailed description of the force used by other officers if clearly observed; 5) a detailed description of any apparent injury to the suspect, any complaint of injury, or the lack of injury, including information regarding any medical aid or medical evaluation provided.

c. Supervisory Investigations of Type II Uses of Force

104. Upon notification of a Type II use of force, a supervisor will respond to the scene and thoroughly investigate all Type II events unless officer or public safety will be compromised as a result. No supervisor who participated in, or ordered the force, will conduct or be involved in conducting the investigation of the incident. In thoroughly investigating all Type II events, the investigating supervisor at a use of force incident will:

- a) Respond to the scene, examine the subject of the force for injury, interview the subject for complaints of injury, and, where necessary, summon medical aid via SPD Communications.
- b) If the subject does not require medical attention, and probable cause exists for his/her arrest, the supervisor may arrange for transport to a police holding facility or directly to jail.
- c) The supervisor will obtain sufficient basic information to determine if a FIT response is required. Whether required or not, a supervisor retains the

1 Discretion to refer any use of force to FIT for FIT's determination of  
2 whether to take investigatory responsibility over the matter.

3 d) Whenever there is an Indication of possible criminal conduct by an officer,  
4 the officer will not be compelled to provide a statement.

5 e) If a FIT response is not appropriate, the supervisor will conduct the  
6 investigation, as an impartial fact-finder and will not be responsible for  
7 determining the ultimate disposition of the incident. The supervisor will:

8 (1) Identify and secure evidence to enable the supervisor to describe in  
9 detail the use of force and the facts and circumstances surrounding  
10 it.

11 (2) Ensure collection of evidence sufficient to establish material facts  
12 related to the use of force, where reasonably available, including  
13 physical evidence, audio and video recordings, photographs, and  
14 other documentation of injuries or the absence of injuries.

15 (3) Make reasonable attempts to locate relevant civilian witnesses  
16 including the subject and third parties, and arrange for witnesses to  
17 be interviewed. Supervisors should use interview techniques  
18 taught in use of force investigation courses, including avoiding  
19 leading questions.

20 (4) Where practicable and warranted in the circumstances, ensure that  
21 all interviews with civilian witnesses are recorded. Interviews of  
22 the subject, or the subject's refusal to be interviewed, will be audio  
23 or ICY recorded, if possible.

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- (5) As with civilian witnesses, conduct separate interviews of officers involved in a use of force incident, unless unreasonable under the circumstances.
- (6) Require each officer at the scene to complete either a witness statements (if they did not use Type II use of force) or a Use of Force Statement (if they did use Type II use of force). Each officer will describe what he/she did and saw as comprehensively and descriptively as possible and in the context of the use of force by other officers, identifying all other officers involved in the incident when possible. The supervisor will assure such statements comply with SPD guidelines.
- (7) Review any ICY or holding cell video related to the incident, and red flag for retention ICY that documents contact with the subject.
- (8) Canvass the area for privately-owned video that may have captured the contact, and attempt to obtain copies voluntarily. If owner refuses, document the location and/or owner of the video. If no privately-owned video is discovered, document that none was found.
- (9) Photograph the location where the incident occurred, to determine damage, and ensure that "relevant evidence is collected. Photograph any officer injuries or areas of complained injury, and any damaged government or private property.

- 1 (10) Respond to the subject's location, and photograph the subject for  
2 identification purposes, and any visible injuries or places where the  
3 subject complains of injury.
- 4 (11) Consider all relevant evidence, including circumstantial, direct,  
5 and physical evidence and make credibility determinations and  
6 resolve material inconsistencies in statements, if feasible. When  
7 possible, assess the subject's injuries and determine whether the  
8 subject's injuries are consistent with the force reported used by the  
9 officer(s).
- 10 (12) When a supervisor concludes that there may have been  
11 misconduct, the supervisor will consult with an on-duty  
12 commander of the permanent rank of lieutenant or above and  
13 ensure that OPA is notified.

14 **d. Supervisor's Force Investigation Report for Type II Uses of Force**

15 105. An email or other form of notification of a reputable use of force will be  
16 forwarded to the supervisor's commanding officer by the end of the shift during which the force  
17 occurred. The notification will contain basic information concerning the incident.

18 106. Each supervisor will complete and document a use of force supervisory  
19 investigation using a Supervisor's Force Investigation Report (a revised form 1.40b) within  
20 72 hours of learning of the use of force, unless an extension is approved by the supervisor's  
21 commanding officer. The Supervisor's Report will include the following:

- 22 a) The supervisor's narrative description of the incident. A supervisor's  
23 narrative will summarize the force used by the officers and the subject,

injuries sustained by the subject and the officer, and will describe the sequence of events. Additionally, it will document the supervisor's actions in reviewing or screening the incident. The summary should provide a commander reviewing the supervisor's summary a complete understanding of the incident from beginning to end, including, crucially, when each officer used force, why the force was necessary at each point in time, and how each injury, if any, occurred.

- b) The report will be accompanied by the use of force packet which contains documentation of all evidence that was gathered, including physical evidence; photographs; and names, phone numbers, addresses, and summaries of statements by all civilian witnesses to the incident. In situations in which there are no known witnesses, the report will specifically state this fact. In situations in which witnesses were present but the author of the report did not determine the identification, phone number, or address of those witnesses, the report will state the reasons why.
- c) The names of all other SPD employees witnessing the use of force and summaries of their statements.
- d) The supervisor's evaluation of the evidence, including any material inconsistencies in the evidence or statements.

e. **Type II Report Review by Chain of Command**

107. SPD Policy 6.240.XII.B.II already establishes a process by which the use of force packet is forwarded through the chain of command to the involved officer's bureau

I commander. SPD will revise and clarify the process for review of a use of force report to  
2 incorporate the process detailed in this section of this Agreement.

3 I08. Upon completion of the supervisor's use of force investigation report and packet,  
4 the investigating supervisor will forward the packet through the chain of command. The  
5 reviewing lieutenant will review the report packet to ensure it is complete and the investigation  
6 was thorough and reach findings as to whether the use of force was lawful and consistent with  
7 policy. Each higher level supervisor in the chain will review the packet to ensure that it is  
8 complete, the investigation was thorough, and that the findings are supported by a preponderance  
9 of the evidence.

10 I09. When it appears to a supervisor that there is additional relevant and material  
II evidence that may assist in resolving inconsistencies or improve the reliability or credibility of  
12 the findings, that supervisor should ensure that additional investigation is completed. When it  
13 appears to a supervisor that the findings are not supported by a preponderance of the evidence,  
14 that supervisor will modify the findings after consultation with the investigating supervisor and  
15 previous reviewers, and document the reasons for this modification, including the specific  
16 evidence or analysis supporting the modification. Any supervisor in the chain of command may  
17 discuss the modification with the investigating supervisor and/or reviewers..If any investigative  
18 deficiencies exist, the Reviewer will initiate corrective action where appropriate. Every  
19 supervisor in the chain of command is responsible to assure the accuracy and completeness of  
20 the Investigation Reports completed by supervisors.

21 110. When the precinct commander finds that the investigation is complete and the  
22 findings are supported by the evidence, the investigation file will be forwarded to the Use of  
23 Force Committee.

1           111. At the discretion of the officer's chain of command, or OPA in the case of  
2 potential misconduct, a use of force investigation may be assigned or re-assigned for  
3 investigation to FIT or to another supervisor, whether within or outside of the precinct in which  
4 the incident occurred, or may be returned to the Unit for further investigation or analysis.  
5 Where, after investigation, a use of force is found to be out of policy, or the investigation of the  
6 incident is lacking, the Chief or designee will direct and ensure appropriate corrective action, if  
7 warranted. When the use of force indicates policy, training, tactical, or equipment concerns, the  
8 Chief or designee will ensure also that necessary training is delivered and that policy, tactical, or  
9 equipment concerns are resolved.

10                   f. Force Investigation Team (FIT) Investigations of Type III Uses  
11                   of Force

12           112. FIT will conduct investigations of (!) all Type III uses of force except for  
13 firearms discharges (which will continue to be investigated by the Homicide Unit and reviewed  
14 by the FRB); (2) any use of force that result in broken bones, loss of consciousness, or an  
15 admission to the hospital for treatment; the application of a neck hold (LVNR or Lateral  
16 Vascular Neck Restraint); hard strike to the head or neck with an impact weapon (flashlight,  
17 baton, or other object); (3) uses of force that potentially involve criminal conduct or misconduct  
18 on the part of the officer; and (4) uses of force referred to FIT by any SPD supervisor (and  
19 approved by the FIT commander), the Chief, his/her designee, or OPA. Response by FIT to a  
20 scene does not assume a criminal or administrative violation has occurred.

21           113. Type III uses of force will be investigated and documented by FIT, with  
22 assistance from the on-scene sergeant. The FIT response will be tailored to the circumstances  
23 but will normally include one to three FIT detectives, the FIT sergeant, a Homicide Unit  
24 command level officer, and a Training Section representative. The Training representative will

1 not have investigative roles at the scene of a use of force, but will attempt to identify any policy  
2 or training issues. At least one member of FIT or a homicide supervisor will be available at all  
3 times to evaluate potential referrals from SPD supervisors.

4 114. If a FIT investigation, at any point, reveals officer misconduct, a FIT supervisor  
5 will contact OPA.

6 115. SPD will create a FIT training curriculum and procedural manual.

7 116. FIT should be staffed with individuals with appropriate expertise and  
8 investigative skills to ensure that uses of force that are contrary to law or policy are identified  
9 and appropriately resolved; and that its investigations allow the Use of Force Committee to  
10 identify trends or patterns of policy, training, equipment, or tactical deficiencies, or positive  
11 lessons related to the use of force.

12 117. The supervisor will have the following responsibilities in responding to a Type III  
13 use of force:

- 14 a) A sworn supervisor will respond to the scene, and will ensure that  
15 appropriate medical aid is summoned for any injured party, either subject  
16 or officer. If the subject is transported to a hospital, the supervisor will  
17 arrange for a hospital guard for the subject, if appropriate.
- 18 b) The supervisor will obtain sufficient basic information to determine  
19 whether a FIT response is appropriate and contacts the FIT sergeant to  
20 screen a response.
- 21 c) Whenever there is an indication of possible criminal conduct involving an  
22 officer, the officer will not be compelled to provide a statement.
- 23



- 1 d) The supervisor will ensure the scene is contained and will turn the scene  
2 over to the arriving FIT personnel. The scene will be left intact and will  
3 be processed by FIT personnel.
- 4 e) The supervisor will make reasonable attempts to locate civilian witnesses  
5 to the event, and identify and request that the witness's standby for the  
6 FIT personnel's arrival.

7 118. FIT will have the following responsibilities in responding to a Type III use of  
8 force:

- 9 a) FIT personnel will take control of the use of force investigation upon their  
10 arrival.
- 11 b) Where possible, FIT detectives will ensure that all interviews with civilian  
12 witnesses are recorded.
- 13 c) FIT personnel will arrange for a canvass for any privately-owned video  
14 that may have captured the contact, and attempt to obtain copies  
15 voluntarily. If the owner refuses, they will document the location and/or  
16 owner of the video. If no privately-owned video is discovered, they will  
17 document that none was found.
- 18 d) The FIT supervisor will arrange for photographing and processing of the  
19 scene.
- 20 e) FIT detectives will respond to the subject's location, and request a medical  
21 release if relevant, as well as an audio-recorded interview. They will also  
22 photograph areas of injury or complaint of injury.
- 23